PROFILE

THE INTEGRATOR

New Jersey environment chief Bradley M. Campbell wants to solve the state's legendary problems by merging pollution control and natural resource management, working within existing legal authorities. Given the huge cutbacks he inherited, he may have to

Bradley M. Campbell, the new commissioner of the New Jersey Department of Environmental Protection, is careful and controlled in his speech; quiet even. Yet he is quietly excited, since he has an opportunity to achieve, in one state at least, what policy wonks have promoted to the point of cliche: "integrated programs" and "innovative use of existing authorities." And, of course, "doing more with less."

If being mayor of New York City is the second-hardest job in U.S. politics, then heading NJDEP is the second hardest job in its field. New Jersey leads the nation in Superfund sites, the stench from its industrial plants is famous, it is downwind from Ohio Valley powerplants, and New York and Philadelphia are sending waves of sprawl through the state. In the face of this need, and with an ever-burgeoning list of federal and state program requirements, the department's budget is way down and it stands gutted by personnel cuts of more than 20 percent in regulation, permitting, and enforcement under the administration of the departed governor — Christine Todd Whitman.

The prospect of protecting the environment in a time of sharply increased need with sharply reduced resources focuses the mind wonderfully on bureaucratic efficiency and programmatic effectiveness. "It's exciting, not just as a matter of policy but as a matter of law," says Campbell. To start, "you have the familiar, basic long-standing regulatory structure that was designed on a stovepipe basis back during the time of disco." Campbell has an important advantage here, compared with the federal government, because he is in charge of all of the stovepipes: NJDEP comprises both pollution and natural resources.

Another advantage: "I'm lucky to have arrived at a time when a lot of the data infrastructure work has been done," he says, crediting his Republican predecessor, Bob Shinn. An example of that infrastructure is the Landscape Project, a geographical/biological database that overlays endangered species habitat information with a vast array of data regarding resource and land use information to identify critical areas that need protection.

"I'm also lucky to have arrived at a time when the costs of bad development are evident to everyone and have engendered enormous public concern." One product of that concern is the new State Development and Redevelopment Plan, finalized last year to take on sprawl and environmental quality concerns by requiring coordination of hous-

ing, infrastructure, transportation, industry, agricultural, recreation, and environmental needs. It contains a comprehensive map of the state that makes a start at identifying where growth is desirable, while highlighting areas to be protected because of ecological sensitivity. Campbell sees many components affecting those needs as transecting NJDEP, which means that the holy grail of merging pollution and natural resources issues could be at hand — his hand.

"For the most part, we have thought of smart growth almost entirely outside of the regulatory context," he says. "We have an opportunity here to tailor regulatory approaches to smart growth objectives — to move from a situation where the regulatory system is largely indifferent to growth management issues to one in which it reinforces good growth management decisions.

"We indeed have a wide range of information about where growth will be problematic from a pollution control and natural resource perspective. If we look at that, we can use the regulatory system to send clear signals in advance to developers and to local governments about where they are going to have an easier path. Now we're mostly reactive, where the regulatory sequence begins after developers and local governments have invested significant time, money, and political effort in a project, and the pressure is on to give a green light."

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One method that New Jersey has tried to direct growth in the past is the provision of sewerage, long touted as a prime lever of state smart growth management, but that plan faces stiff opposition. Campbell has a different idea, to integrate sewerage, water quality, and water supply issues using geographical information systems like the Landscape Project, and tailor the whole thing to growth management goals. Central components to this method include expedited permitting in designated growth areas and closer scrutiny in less-developed areas.

Water quality is key to this integrated approach. "To date, states have relied on a permit by permit basis to preserve water quality under the Clean Water Act using the National Pollutant Discharge Elimination System and more recently the Total Maximum Daily Load provision as a means for discharge planning. But there is another underutilized provision of the CWA — anti-degradation."

What Campbell is doing is to merge the state's Water Pollution Control Act, which in implementing the CWA allows NJDEP to set Surface Water Quality Standards, with "living resource" protections under the federal and state endangered species laws. On Earth Day, he and New Jersey's new governor, James E. McGreevey, identified six stream segments and nine reservoirs for a proposed C1 classification under the state pollution law, as having "exceptional significance" using ecological, recreational, water supply and fisheries criteria. (They plan to add more waters as part of a comprehensive, statewide designation process that will link to open space acquisition goals to attach higher priority to protecting water quality and supply.) The designation applies multiple NJDEP chemical, biological, and physical databases, including those in the Landscape Project, in a science-based approach to limit any activity that would cause a change in existing water quality.

"Using anti-degradation as a tool is much better than the remedial, reactive, post-hoc process presented by TMDLs, which has been almost the exclusive focus for water quality regulation over the past eight years," he says. TMDLs require reduction of discharges into waters that are already impaired. Under an anti-degradation approach, he points out, basically all pollution into designated waters can be prevented to preserve specified uses. And that means that another holy grail, environmental protection on a watershed basis, could become a reality.

Other integration opportunities abound, he says. NJDEP has permitting and financial assistance over wastewater and water supply infrastructure. The state Flood Hazard Area Management Act allows it to regulate development in floodplains. Its Coastal Area Facility Review Act and Freshwater Wetlands Act give it additional development authorities. The Water Supply Management Act, Water Pollution Control Act, and Safe Drinking Water Act provide further opportunities to reduce pollution and guide development. At the federal level, there is EPA guidance on incorporating land use into air planning, and brownfields redevelopment and urban repopulation can be translated into credits in achieving the state's Clean Air Act obligations.

Improving environmental quality in New Jersey is clearly the challenge of a lifetime. It might be useful to prepare by taking a stint doing policy work and litigating cases in the U.S. Department of Justice's Environment and Natural Resources Division (1990-94), plus a job coor-

dinating policy among multiple agencies in the White House Council on Environmental Quality (1995-99), followed by overseeing state programs as administrator of U.S. EPA's Region III (1999-2001). That would prepare you to make best use of the opportunities afforded in New Jersey environmental protection, including some of the best state laws and programs in the country — New Jersey pioneered hazardous site cleanup, release reporting, and brownfields redevelopment — plus the organizational advantages of an agency that combines all facets of environmental protection. But you also have to meet escalating regulatory requirements while holding the line in an already severely depleted budget.

Part of the task is the "exciting" part Campbell mentioned, involving law and policy. But an important part of it involves the administrative challenges that result from using existing authorities in innovative ways. In NJDEP's organizational chart, there are five programmatic stovepipes. To "integrate" them while preserving program integrity and efficiency, Campbell has moved a lot of pieces around the board in a way that, to cognoscenti at least, shows the strategy of a savvy bureaucratic chess player.

For instance, he created an office outside of line authority but reporting to him, Policy Planning and Science, to coordinate department-wide smart growth initiatives and develop linkages between environmental regulation and public health and natural resource protection. Similarly, the Office of Release Prevention is no longer a Compliance and Enforcement function but more sensibly has become a part of Environmental Regulation, where it merges with the Office of Pollution Prevention, and the new unit is better positioned to implement New Jersey's novel facility-wide permitting program and its effort to integrate multimedia pollution prevention into medium-specific regulatory programs. Other moves better align functions such as enforcement and land use regulation previously in separate branches.

While land use and smart growth has been his initial concern, pollution control is a simmering issue, particularly with the cutbacks in enforcement under the Whitman administration — and now at the Whitman EPA.

"I think there's much to be done among states particularly at a time when federal leadership is on the wane. There is a real opportunity for states like New Jersey where there's broad consensus for enforcement. Beneath that, though, I think there's a fundamental need to rethink some of the standard approaches that have characterized environmental protection for several decades."

One approach he will not follow is New Jersey's star-crossed Gold Track system, a program for large industrial plants that gives some regulatory flexibility for beyond-compliance behavior. It was so complicated that few companies signed up, and they were mostly high achievers anyway. Campbell wants "to build on the work that's been done to build a model that attracts more firms. One that is simpler in terms of hurdles and hoops to get into it and a little more appealing in terms of what both those firms and the environment get out of it. But EPA will need to take some risks with us in providing additional flexibility. A case can be made, for instance, that firms that are meeting requirements and are willing to undertake third party certification can be taken out of the enforcement regime. The environment benefits because we can redeploy our enforcement resources to higher priorities."

New Jersey also depends on EPA to meet its air quality requirements. It may have strong and innovative pollution laws, but being a downwind state has made it all but impossible to meet its Clean Air Act state implementation plans for ozone. Asked about that, Campbell suddenly is no longer quiet and carefully spoken. EPA's proposal to stop New Source Review of grandfathered generators that increase their electricity output will disrupt the fabric of Clean Air Act enforcement. It "will mean a longer life for dirty upwind powerplants, and shorter lives and more health problems for the many New Jerseyans affected by these plants," he says.

A few months ago, when the Bush administration issued its Clear Skies initiative, he sent a blistering letter to EPA Assistant Administrator Jeffrey Holmstead. He used the White House's own data to accuse the administration of drastically misrepresenting the plan's effect on acid rain and smog, and said that enforcement of current regulations would result in better air quality in the long run. He even said that the emissions caps and reduction timelines in Clear Skies were so obviously flawed that they undoubtedly "were developed without consideration of air quality."

Or, to paraphrase, what he sees is a classic failure to integrate. •

"The end of New Source Review will mean a longer life for dirty upwind powerplants and a shorter life for New Jersey citizens.... The president's Clear Skies initiative was developed without any consideration of air quality."